

**JUDGE ARMSTRONG'S CRIMINAL STANDING ORDER EFFECTIVE
OCTOBER 19, 2004**

Criminal Law & Motion matters will be scheduled as follows: All Status, Trial Setting, and Motion Settings will be held on Tuesdays at 9:00 a.m.. All Judgment & Sentencing will be held on Tuesdays at 10:00 a.m.; All Changes of Plea, Pretrial Conferences and Motion Hearings will be held on Tuesdays at 11:00 a.m.

Prior to a plea being entered in a criminal case, a copy of the plea agreement **must** be submitted to chambers no later than the Friday before the plea is to be taken. All persons pleading guilty **must** complete an application for permission to enter plea of guilty, which is available on the Court's website at www.cand.uscourts.gov.

Stipulation and proposed order for continuance and exclusion of time in criminal actions.

In criminal actions, any stipulation and request for a continuance and exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., shall be submitted in accordance with the following requirements:

- a. Prior to submitting any stipulation and request for a continuance and exclusion of time, at least one of the parties shall contact Judge Armstrong's deputy courtroom clerk to ascertain whether the date to which the parties desire to continue the matter is available on Judge Armstrong's calendar.
- b. The submission shall bear the title "STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT, 18 U.S.C. § 3161 ET SEQ."
- c. The format of the submission shall be substantially that of a stipulation and proposed order set out in Civil L.R. 7-11, with the following modifications and additional provisions:
 - (1) Above the signatures of the individuals signing the stipulation, the following shall appear: (a) specification of the statutory provisions providing the legal basis or bases for the continuance and exclusion of time; (b) in substantial detail, the reasons for the continuance and exclusion of time; and (c) a statement that the parties agree that the matter should be continued and time should be excluded for the statutory reason(s) invoked in the stipulation and proposed order (e.g., a stipulation and proposed order for a continuance and exclusion of time under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv) for continuity of defense counsel may contain this statement: "For the foregoing reasons, the parties stipulate and agree that the ends of justice served by the continuance requested herein outweigh the best interests of the public and the defendant in a

speedy trial because the failure to grant such a continuance would unreasonably deny the defendant continuity of counsel.”).

- (2) Below the signatures of the individuals signing the stipulation, there shall appear the statement “Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS” followed by all findings required to be made by the Court to warrant an exclusion of time under the provision(s) of the Speedy Trial Act invoked by the parties. These findings must track the language of the relevant statutory provision(s) invoked.
 - (3) Below the findings, there shall appear the statement “Based on these findings, IT IS HEREBY ORDERED THAT” followed by the requested action(s) (i.e., that the relevant date is continued to the desired date and that time is excluded under the Speedy Trial Act pursuant to specified statutory provisions). On the line below this matter shall appear: “IT IS SO ORDERED.”
 - (4) Below the aforementioned text, there shall appear a signature line and date line for Judge Armstrong.
 - (5) The phrase “PURSUANT TO STIPULATION, IT IS SO ORDERED” or a similar phrase shall not appear in the stipulation and proposed order.
- d. Any stipulation and request for continuance and exclusion of time shall be lodged with the Court no later than the beginning of the period of time sought to be excluded. THE COURT WILL NOT EXCLUDE TIME RETROSPECTIVELY.
 - e. Any stipulation and request for continuance and exclusion of time shall be lodged with the Court no later than noon on the day before the hearing or other matter sought to be continued.

Any failure to comply with any of these requirements may result in summary denial of the request for the continuance and/or the exclusion of time. Full compliance with these requirements, however, does not guarantee that the Court will grant the requested action(s), as the Court will independently evaluate the matter provided in the parties’ stipulation.